

**Executive Summary – Enforcement Matter – Case No. 42916**  
**CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1**  
**RN101868297**  
**Docket No. 2011-2060-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM – DCL and IHW

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Ryan's Express CL 1, 531 El Dorado Boulevard, Webster, Harris County

**Type of Operation:**

Dry cleaner

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** March 16, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,527

**Amount Deferred for Expedited Settlement:** \$1,904

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$7,623

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 42916**  
**CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1**  
**RN101868297**  
**Docket No. 2011-2060-MLM-E**

***Investigation Information***

**Complaint Date(s):** September 26, 2011

**Complaint Information:** Alleged mismanagement of solvent containers and that there were spills and leaking containers stored without spill containment.

**Date(s) of Investigation:** October 12, 2011

**Date(s) of NOE(s):** October 26, 2011

***Violation Information***

1. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, it was observed that there were no secondary containment structures for the hazardous waste drums being stored outside behind the Facility on a concrete pad on the day of the investigation [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].
2. Failed to maintain inspection records of the secondary containment system and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 337.20(e)(6)(B)].
3. Failed to maintain hazardous waste containers closed except when adding or removing waste. Specifically, three drums had lids that were not securely fastened [30 TEX. ADMIN. CODE § 337.20(c) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 265.173(a)].
4. Failed to ensure that each container used to store hazardous waste is labeled or marked clearly with the words "Hazardous Waste." Specifically, eight 55-gallon drums, observed in the waste storage area, had not been labeled with the words "Hazardous Waste" [30 TEX. ADMIN. CODE § 335.69(a)(3)].
5. Failed to maintain containers managing hazardous waste in good condition. Specifically, one drum lid was rusted through and one drum had a puncture hole in it [30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR § 265.171].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Facility:

- a. Installed a secondary containment structure around the hazardous waste storage area and the dry cleaning solvent storage area on October 18, 2011;
- b. Began recording weekly inspection records of the secondary containment system on October 18, 2011;

**Executive Summary – Enforcement Matter – Case No. 42916**  
**CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1**  
**RN101868297**  
**Docket No. 2011-2060-MLM-E**

- c. Implemented measures to ensure all hazardous waste is managed in proper containers in good condition and kept properly closed on October 18, 2011; and
- d. Labeled each container with the words “Hazardous Waste” on October 18, 2011.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Beverly Cheek, President, CLEAR LAKE SERVICES, INC., 16615 Sea Lark Road, Houston, Texas 77062-5818

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	31-Oct-2011	<b>Screening</b>	2-Nov-2011	<b>EPA Due</b>	
	<b>PCW</b>	2-Nov-2011				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1	
<b>Reg. Ent. Ref. No.</b>	RN101868297	
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b> Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	42916	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-2060-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Dry Cleaner	<b>Enf. Coordinator</b>	Judy Kluge
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$11,250**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **0.0%** Enhancement **Subtotals 2, 3, & 7** \$0

Notes No adjustment for compliance history.

**Culpability** No **0.0%** Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$2,812**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0Total EB Amounts \$0  
Approx. Cost of Compliance \$250

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$8,438**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$8,438**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$8,438**DEFERRAL** **20.0%** Reduction **Adjustment** -\$1,687

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$6,751

Screening Date 2-Nov-2011

Docket No. 2011-2060-MLM-E

PCW

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express

Policy Revision 3 (September 2011)

Case ID No. 42916

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101868297

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Judy Kluge

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 2-Nov-2011

Docket No. 2011-2060-MLM-E

PCW

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

Policy Revision 3 (September 2011)

Case ID No. 42916

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101868297

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.69(a)(3)

Violation Description

Failed to ensure that each container used to store hazardous waste is labeled or marked clearly with the words "Hazardous Waste." Specifically, eight 55-gallon drums, observed in the waste storage area, had not been labeled with the words "Hazardous Waste".

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 8

6 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10,000

Eight single events are recommended (one event for each unlabeled container).

## Good Faith Efforts to Comply

25.0% Reduction

\$2,500

Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance on October 18, 2011 prior to the Notice of Enforcement ("NOE") dated October 26, 2011.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1  
**Case ID No.** 42916  
**Reg. Ent. Reference No.** RN101868297  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	12-Oct-2011	18-Oct-2011	0.02	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to mark or label eight containers of hazardous waste. The date required is the investigation date and the final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0



Screening Date 2-Nov-2011

Docket No. 2011-2060-MLM-E

PCW

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

Policy Revision 3 (September 2011)

Case ID No. 42916

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101868297

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Judy Kluge

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 Code of Federal Regulations ("CFR") § 265.171

**Violation Description** Failed to maintain containers managing hazardous waste in good condition. Specifically, one drum lid was rusted through and one drum had a puncture hole in it.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended based on documentation of the violations during the October 12, 2011 investigation.

## Good Faith Efforts to Comply

25.0% Reduction

\$312

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance on October 18, 2011 prior to the NOE dated October 26, 2011.

Violation Subtotal \$938

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

# Economic Benefit Worksheet

**Respondent** CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1  
**Case ID No.** 42916  
**Reg. Ent. Reference No.** RN101868297  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment	\$150	12-Oct-2011	18-Oct-2011	0.02	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to replace a 55-gallon hazardous waste drum and a 55-gallon drum lid. The date required is the investigation date and the final date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$150

**TOTAL**

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	31-Oct-2011	<b>Screening</b>	2-Nov-2011	<b>EPA Due</b>	
	<b>PCW</b>	2-Nov-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1		
<b>Reg. Ent. Ref. No.</b>	RN101868297		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42916	<b>No. of Violations</b>	3
<b>Docket No.</b>	2011-2060-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Dry Cleaner	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Judy Kluge
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,450
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$361
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$3  
Approx. Cost of Compliance \$2,725  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,089
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## OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$1,089
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## STATUTORY LIMIT ADJUSTMENT

<b>Final Assessed Penalty</b>	\$1,089
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## DEFERRAL

20.0%	Reduction	<b>Adjustment</b>	-\$217
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$872
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Screening Date 2-Nov-2011

Docket No. 2011-2060-MLM-E

PCW

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

Policy Revision 3 (September 2011)

Case ID No. 42916

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101868297

Media [Statute] Dry Cleaner

Enf. Coordinator Judy Kluge

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 2-Nov-2011

Docket No. 2011-2060-MLM-E

PCW

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

Policy Revision 3 (September 2011)

Case ID No. 42916

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101868297

Media [Statute] Dry Cleaner

Enf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 337.20(e)(3)(A)

Violation Description

Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, it was observed that there were no secondary containment structures for the hazardous waste drums being stored outside behind the Facility on a concrete pad on the day of the investigation.

Base Penalty \$5,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$4,250

\$750

## Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$750

One monthly event is recommended from the October 12, 2011 investigation date to the October 18, 2011 compliance date.

## Good Faith Efforts to Comply

25.0% Reduction

\$187

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on October 18, 2011 prior to the Notice of Enforcement ("NOE") dated October 26, 2011.

Violation Subtotal \$563

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$563

This violation Final Assessed Penalty (adjusted for limits) \$563

# Economic Benefit Worksheet

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1  
Case ID No. 42916  
Reg. Ent. Reference No. RN101868297  
Media Dry Cleaner  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment	\$2,500	12-Oct-2011	18-Oct-2011	0.02	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a dike or other secondary containment structure around each dry cleaning unit around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. The date required is the investigation date and the final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$3

Screening Date 2-Nov-2011

Docket No. 2011-2060-MLM-E

PCW

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

Policy Revision 3 (September 2011)

Case ID No. 42916

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101868297

Media [Statute] Dry Cleaner

Enf. Coordinator Judy Kluge

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 337.20(e)(6)(B)

Violation Description Failed to maintain inspection records of the secondary containment system and make them immediately available for inspection upon request by agency personnel.

Base Penalty \$5,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,750

\$250

## Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$62

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance on October 18, 2011 prior to the NOE dated October 26, 2011.

Violation Subtotal \$188

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

# Economic Benefit Worksheet

**Respondent** CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1  
**Case ID No.** 42916  
**Reg. Ent. Reference No.** RN101868297  
**Media** Dry Cleaner  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	12-Oct-2011	18-Oct-2011	0.02	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records of weekly inspections of the secondary containment system. The date required is the investigation date and the final date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$0



Screening Date 2-Nov-2011

Docket No. 2011-2060-MLM-E

PCW

Respondent CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

Policy Revision 3 (September 2011)

Case ID No. 42916

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101868297

Media [Statute] Dry Cleaner

Enf. Coordinator Judy Kluge

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 337.20(c) and 40 Code of Federal Regulations § 265.173(a)

## Violation Description

Failed to maintain hazardous waste containers closed except when adding or removing waste. Specifically, three drums had lids that were not securely fastened.

Base Penalty \$5,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$4,850

\$150

## Violation Events

Number of Violation Events 3

6 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$450

Three single events (one event per container) are recommended based on documentation of the violations during the October 12, 2011 investigation.

## Good Faith Efforts to Comply

25.0% Reduction

\$112

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance on October 18, 2011 prior to the NOE dated October 26, 2011.

Violation Subtotal \$338

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

# Economic Benefit Worksheet

**Respondent** CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

**Case ID No.** 42916

**Reg. Ent. Reference No.** RN101868297

**Media** Dry Cleaner

**Violation No.** 3

**Percent Interest**

**Years of Depreciation**

5.0

15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	12-Oct-2011	18-Oct-2011	0.02	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to properly manage and close hazardous waste containers. The date required is the investigation date and the final date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$25

**TOTAL**

\$0

## Compliance History

Customer/Respondent/Owner-Operator: CN601250384 CLEAR LAKE SERVICES, INC. Classification: N/A Rating: N/A

Regulated Entity: RN101868297 RYAN'S EXPRESS CL1 Classification: N/A Site Rating: N/A

ID Number(s): DRY CLEANERS REGISTRATION 101868297 EPA ID TXD982556615

Location: 531 EL DORADO BLVD, WEBSTER, TX, 77598

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 02, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 02, 2006 to November 02, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Judy Kluge Phone: (817) 588-5825

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

### Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CLEAR LAKE SERVICES, INC.  
DBA RYAN'S EXPRESS CL 1  
RN101868297

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2011-2060-MLM-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 374 and 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a dry cleaner at 531 El Dorado Boulevard in Webster, Harris County, Texas (the "Facility").
2. The TCEQ has general authority concerning the Respondent pursuant to TEX. HEALTH & SAFETY CODE § 374.051. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 31, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nine Thousand Five Hundred Twenty-Seven Dollars (\$9,527) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Six Hundred Twenty-Three Dollars (\$7,623) of the administrative penalty and One Thousand Nine Hundred Four Dollars (\$1,904) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Installed a secondary containment structure around the hazardous waste storage area and the dry cleaning solvent storage area on October 18, 2011;
  - b. Began recording weekly inspection records of the secondary containment system on October 18, 2011;
  - c. Implemented measures to ensure all hazardous waste is managed in proper containers in good condition and kept properly closed on October 18, 2011; and
  - d. Labeled each container with the words "Hazardous Waste" on October 18, 2011.
9. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(3)(A), as documented during an investigation conducted on October 12, 2011. Specifically, it was observed that there were no secondary containment structure for the hazardous waste drums being stored outside behind the Facility on a concrete pad on the day of the investigation.
2. Failed to maintain inspection records of the secondary containment system and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(6)(B), as documented during an investigation conducted on October 12, 2011.
3. Failed to maintain hazardous waste containers closed except when adding or removing waste, in violation of 30 TEX. ADMIN. CODE § 337.20(c) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 265.173(a), as documented during an investigation conducted on October 12, 2011. Specifically, three drums had lids that were not securely fastened.
4. Failed to ensure that each container used to store hazardous waste is labeled or marked clearly with the words "Hazardous Waste," in violation of 30 TEX. ADMIN. CODE § 335.69(a)(3), as documented during an investigation conducted on October 12, 2011. Specifically, eight 55-gallon drums, observed in the waste storage area, had not been labeled with the words "Hazardous Waste."
5. Failed to maintain containers managing hazardous waste in good condition, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR § 265.171, as documented during an investigation conducted on October 12, 2011. Specifically, one drum lid was rusted through and one drum had a puncture hole in it.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1, Docket No. 2011-2060-MLM-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

4/20/12  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

1-30-2012  
\_\_\_\_\_  
Date

Beverly Check  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1

president  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.